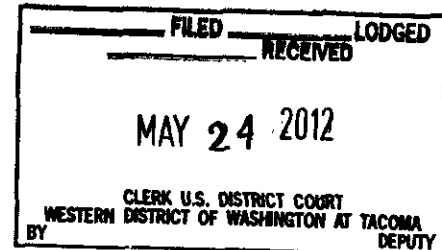


HON. RONALD B. LEIGHTON

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Attorneys for Plaintiff



UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT TACOMA

THE FEDERAL DEPOSIT INSURANCE  
 CORPORATION, AS RECEIVER FOR  
 WESTSOUND BANK,

Plaintiff,

v.

DAVID K. JOHNSON, BRETT T.  
 GREEN, LOUIS J. WEIR, DEAN M.  
 REYNOLDS, RODNEY R. PARR,  
 LARRY C. WESTFALL, RICHARD N.  
 CHRISTOPHERSON, DONALD F. COX,  
 JR., JAMES H. LAMB, BRIAN B.  
 MCLELLAN, and DONALD H. TUCKER,

Defendants.

NO. 3:11-cv-05953-RBL

**[PROPOSED]**  
 ORDER GRANTING MOTION  
 OF WASHINGTON STATE  
 DEPARTMENT OF  
 FINANCIAL INSTITUTIONS  
 TO STRIKE HEARING



11-CV-05953-ORD

THIS MATTER coming on for hearing on the motion of State of Washington,  
 Department of Financial Institutions, through its Director Scott Jarvis acting in his official  
 capacity ("Department" or "WDFI"), to continue hearing, by and through its attorneys Robert M.  
 McKenna, Attorney General, and Victor M. Minjares, Assistant Attorney General, and Walter E.

ORDER GRANTING MOTION TO  
 STRIKE HEARING [PROPOSED]  
 NO. 3:11-cv-05953-RBL

1

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 Olympia, WA 98504-0100  
 (360) 664-9006

1 Barton and Kathleen M. Balderston, Attorneys for Plaintiff, and David K. Johnson, Brett T.  
 2 Green, Louis J. Weir, Dean M. Reynolds, Rodney R. Parr, Larry C. Westfall, Richard N.  
 3 Christopherson, Donald F. Cox, Jr., James H. Lamb, Brian B. McLellan, and Donald H. Tucker,  
 4 Defendants, and the court having heard argument, considered the records and files herein,  
 5 including:

- 6 1. The Declaration of Victor M. Minjares in Support of Department's Motion to  
 7 Continue Hearing.
- 8 2. The Declaration of Gloria McVey in Support of Department's Motion to Continue  
 9 Hearing.

10 and being fully advised, now, therefore FINDS that:

11 The Washington State Department of Financial Institutions was not a party to the  
 12 Confidentiality Agreement between plaintiffs and FDIC-R. The Department was not informed  
 13 that its confidential bank examination reports were to be disclosed, without notice to or the  
 14 consent of the Director, in violation of RCW 30.04.075. The Department was not served with  
 15 the Motion to Unseal. The Department has made a prima facie case that granting the Motion  
 16 to Unseal would adversely impact the Director's obligation to preserve bank examination  
 17 confidentiality under RCW 30.04.075, and that it should be allowed additional time to  
 18 consider intervention under Fed. R. Civ. P. 24(a)(2) or other resolution satisfying its interests  
 19 in protecting its Reports of Examination. This Court therefore finds good cause exists to grant  
 20 the requested relief.

21 ///

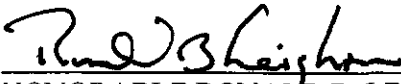
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1 IT IS HEREBY ORDERED that

- 2 1. The existing dates on Defendants' Motion to Unseal are stricken.  
3 2. Defendants must serve the Department with their Motion to Unseal if they wish the  
4 Motion to be heard. The new noting date shall be no earlier than June 15, 2012.

5 DATED this 24<sup>th</sup> day of May, 2012.

6   
7 HONORABLE RONALD B. LEIGHTON  
8 Judge

9  
10 Presented by:

11 ROBERT M. MCKENNA  
12 Attorney General

13 *s/Victor M. Minjares*

14 VICTOR M. MINJARES, WSBA #33946  
15 Assistant Attorney General  
16 Attorneys for State of Washington  
17 Department of Financial Institutions  
18 Consumer Services Division  
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